

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)
MDL No. 1456
Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:)
Hon. Patti B. Saris
Magistrate Judge Marianne B. Bowler

*U.S. ex rel. Ven-A-Care of the Florida Keys,
Inc. V. Abbott Laboratories, Inc.*)
No. 07-CV-11618-PBS)

**MAY 1, 2008 STATUS REPORT
OF THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS**

The Relator, Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or the “Relator”), through its undersigned counsel respectfully files this Status Report for May 1, 2008 in accordance with the Court’s June 17, 2004 Procedural Order and states:

Complaint/Motion to Dismiss

On March 14, 2008, the Court denied Abbott's Motion to Dismiss Ven-A-Care's complaint. On April 14, 2008, Abbott filed a Request for Certification Pursuant to § 1292(b) and Stay of Discovery. Ven-A-Care filed its opposition to the Request on April 29, 2008.

Pending Motions

Abbott's Request for Certification Pursuant to § 1292(b) and Stay of Discovery.

Scheduled Hearings

No hearings have been scheduled.

Pending Discovery

The Court has ordered the parties to confer on a discovery schedule. No discovery is pending. The parties are conferring in an effort to present the Court with a proposed discovery schedule. If the parties are unable to agree as to part or all of the discovery schedule by May 15, 2008, then plaintiff will present the issues to the Court at that time.

Respectfully submitted,

For Ven-A-Care of the Florida Keys, Inc.

/s/Susan Schneider Thomas

BERGER & MONTAGUE, P.C.

1622 Locust Street

Philadelphia, PA 19103

Phone: 215-875-5711

FAX: 215-875-4673

EMAIL: sthomas@bm.net

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above
**MAY 1, 2008 STATUS REPORT OF THE RELATOR VEN-A-CARE OF THE FLORIDA
KEYS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of
Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and
notification to all parties.

/s/ Susan Schneider Thomas

Dated: MAY 1, 2008